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By [Signature]

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of )

Byers, Robert Andrew Jr., et al. )

Serial Number: 09/892,800 )

Filed: June 27, 2001 )

Title: USER-SPECIFIC METHOD OF SELLING )  
PRODUCTS, COMPUTER PROGRAM )  
PRODUCT, AND SYSTEM FOR )  
PERFORMING THE SAME )

Examiner: Thein, Maria Teresa T.  
Art Unit: 3627

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**APPEAL BRIEF**

This brief is in furtherance of the Notice of Appeal, filed in this case on December 19, 2008 and received by the Office on December 22, 2008. An Amendment after Final Rejection in compliance with 37 C.F.R. § 1.116(b)(2), A Petition for Extension of Time Under 37 C.F.R. § 1.136(a), and the required petition fees have been submitted concurrently. The fees required under 37 C.F.R. § 41.20(b)(2) for the filing of this brief are dealt with in the accompanying Transmittal Form.

This brief contains these items under the following headings, and in the order set forth below (37 C.F.R. 41.37(c)(1)):

- i. *Real party in interest* Page 3
- ii. *Related appeals and interferences* Page 4
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The final page of this brief bears the practitioner's signature.

**i. REAL PARTY IN INTEREST**

The real party in interest in this appeal is Tri-anim Health Services, Inc. of 13170 Telfair Avenue Sylmar, CA 91342, who is the assignee of record.

## **ii. RELATED APPEALS AND INTERFERENCES**

With respect to other appeals or interferences that will directly affect, or be directly affected by, or have a bearing on the Board's decision in this appeal, there are no such appeals or interferences.

### **iii. STATUS OF CLAIMS**

The status of the claims in this application is as follows:

#### **Status of All the Claims**

- A. Claims rejected: 1-2, 5, 8-9, 15-16, 18-19, 21-30, 32-33, and 35-42.
- B. Claims allowed or confirmed: None.
- C. Claims withdrawn: None.
- D. Claims objected to: None.
- E. Claims cancelled: 3-4, 6-7, 10-14, 17, 20, 31, and 34.

#### **Claims on Appeal**

Claims 1-2, 5, 8-9, 15-16, 18-19, 21-30, 32-33, and 35-42 are being appealed.

#### **iv. STATUS OF AMENDMENTS**

An Amendment After Final Rejection has been filed concurrently with this Appeal Brief on June 19, 2009. This Amendment has not yet been entered, but merely changes the dependency of claim 2, which erroneously depends from itself. This error was not discovered by the examiner or the undersigned until the preparation of this Appeal Brief.

## **v. SUMMARY OF CLAIMED SUBJECT MATTER**

### **Independent Claims**

#### **Independent Claim 1:**

The present invention pertains specifically to the purchase of products by a registered customer over an electronic network using a user-specific order entry form (*Page 10, lines 7-9*). The first embodiment of the present invention is a user-specific method of selling products, which is claimed in independent claim 1.

The basic steps claimed in claim 1 are illustrated in FIG. 1 and described from page 10, line 13 to page 11, line 21 of the specification. A registered customer, or “user,” is identified by logging into the seller’s system (*FIG. 1, 100; page 10, lines 14 – 20*). The system transmits a user-specific order entry form to the user (*FIG. 1, 110; page 10, line 21 to page 11, line 3*) which the user uses to enter quantity of products desired to be purchased and transmit this quantity back to the seller’s system (*page 11, lines 4 – 5*). The seller’s system receives the order quantities (*FIG. 1, 120; page 11, lines 5 - 6*) and transmits a shopping cart to the user (*FIG. 1, 130; page 11, lines 5 - 6*). The user then provides an instruction to process the order using the shopping cart and transmits the confirmation back to the seller’s system, which receives the instruction to process the order (*FIG. 1, 140; page 11, lines 7 - 11*).

The step of “identifying the user” is the login step, which serves to identify the user as a registered user within the system. This identification is described at page 10, lines 14-17, page 11, lines 12- 21.

The step of “transmitting a user specific order entry form” is described with reference to FIGS. 3, 6 and 7, which show screen shots of two embodiments of the user specific purchase history

form that is the “user specific order entry form” claimed in claim 1. The user specific purchase history form includes at least one user specific product (*FIGS. 3 & 6, 210 & 260; page 13, lines 4 – 15 and page 13, lines 18 – 22*), a user specific price for the product (*FIG. 3, 240; FIG. 6, 620; page 14, line 10 to page 15, line 2; page 19, lines 18 - 21*), and a quantity entry field (*FIGS. 3, 6 & 7, 230; page 15, lines 3 – 8; page 19, lines 16 – 17*), which is the only field on the form in which entry of data is required to purchase a product (*Page 15, lines 8 -10*). The user specific purchase history form includes all products that were ordered by that customer within a user specified date range (*FIGS. 6 & 7, 640; page 13, lines 18 – 22; page 19, lines 1 -3 and lines 22 - 23*).

The step of “receiving a quantity of at least one product entered into said quantity entry field and sent from the buyer computer” includes both a buyer action and a seller action. The buyer action includes at least the entry of a quantity into the quantity entry field and may involve additional steps (*Page 15, lines 11 – 16*). The seller action includes receiving the transmission of quantities from the buyer (*Page 20, lines 7 -8*).

The step of “transmitting a shopping cart to the buyer computer” involves transmitting a check out form of some type to the buyer, which reflects the user’s desired products and quantities based on the user’s input (*Page 11, lines 4-7; page 20, lines 8 – 14*).

The step of “receiving an instruction from said user to process an order from the buyer computer” includes a buyer action and a seller action. The buyer action includes taking some action that evidences acceptance of the order (*Page 11, lines 7 – 11; page 20, lines 15 – 17*). The seller action includes at least receiving the order and may include additional actions in connection with the processing of the order (*Page 11, line 8; page 20, lines 16 -21*).

#### Independent Claim 15



The second embodiment of the present invention is a computer program product claimed in independent claim 15. This computer program product includes computer program means that is programmed to perform each of the steps of the method of claim 1 (*Page 20, lines 21-23*). As the steps of the method of claim 1 have been fully summarized above, the applicant incorporates the above summary by reference into the summary of independent claim 15.

#### Independent Claim 29

The third embodiment of the present invention is a system into which the aforementioned computer program product is integrated, which is claimed in independent claim 29. In such an embodiment, the system includes a computer having a processor, a connection to an electronic network, and a memory that serves as the data storage means upon which the computer program product is stored (*Page 21, lines 3-7*). Claim 29 includes all of the computer program means for performing the steps of the method of claim 1. As the steps of the method of claim 1 have been fully summarized above, the applicant incorporates the above summary by reference into the summary of independent claim 29.

#### Means Plus Function/Step Plus Function Claims

Independent claim 15 includes means plus function language as permitted by 35 U.S.C. § 112, ¶ 6. Claim 15 claims “means for identifying a user.” These means include the user’s internet registration with the server system prior to a first login with the system. The internet registration causes the server system to assign the user a unique identifier and to make available any previous purchaser-specific account, purchase history, order status, pricing and quoted information that may have been received prior to internet registration by either phone, fax, email, mail, or EDI. This may be accomplished automatically via a mainframe computer, which prepares the appropriate data for

the account numbers for which the customer has registered. This information is then transmitted to the server, which posts the data to the site. Once posted, the preferred system sends an email notification to the registrant, notifying him that his information has been posted to the site and is ready for viewing (*Page 11, lines 12-21*). These means further include logging into the server system after this initial registration. This step may involve the use of a password protected login screen, recognition of a cookie stored in the memory of the customer's computer, identification of a unique IP address, or other art recognized for identifying a user over an electronic network (*Page 10, lines 14-17*).

Claim 15 also claims “means for transmitting a user specific order entry form...,” “means for receiving a quantity indication...,” “means for transmitting a shopping cart...,” and “means for receiving an instruction...” Each of these means includes using the Internet to send information from one computer or server to another. (*Page 10, lines 7-9*).

Independent claim 29 also includes means plus function language. These means and their structures are as described above for claim 15. Claims 16, 18-19, 21, 23, and 24-28 depend on claim 15 and include means plus function language. Each of the means included in these claims include the internet. *Id.* Claims 30, 32-33, 35, and 37-42 depend on claim 29 and include means plus function language. Each of the means included in these claims include the internet. *Id.*

**vi. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL**

Claims 1-2, 5, 9, 15-16, 18-19, 21-30, 32-33, and 35-42 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,970,475 to Barnes in view of U.S. Patent Application Publication No. 2002/0065736 to Willner et al. Claims 1-2, 5, and 9 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,970,475 to Barnes in view of U.S. Patent No. 7,080,070 to Gavarini. Claim 8 is rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,970,475 to Barnes in view of U.S. Patent No. 7,080,070 to Gavarini as applied to claim 1, and further in view of U.S. Patent No. 6,343,275 to Wong. Claims 15-16, 18-19, 21-30, 32-33, and 35-42 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,970,475 to Barnes in view of U.S. Patent No. 7,080,070 to Gavarini and in further view of U.S. Patent no. 6,343,275 to Wong.

## **vii. ARGUMENT**

This appeal largely concerns the Examiner's treatment of a declaration included in the prosecution history. The Declaration Under 37 C.F.R. § 1.132 of Kenneth R. Taylor ("Taylor Declaration") was originally submitted with the Applicant's September 30, 2005 Amendment and Request for Continued Examination. The purpose of the Taylor Declaration was to overcome the Examiner's asserted *prima facie* case of obviousness. The Examiner continues to find the Taylor Declaration insufficient to rebut the asserted *prima facie* case of obviousness based upon the assertions that its "opinions are legal conclusions and lack factual support." *Office Action, September 29, 2008, at 17*. The Applicants respectfully disagree. In particular, the Applicants assert that (1) the Taylor Declaration is a valid evidence in support of Applicants' arguments rebutting for overcoming the Examiner's asserted *prima facie* case of obviousness; (2) the Taylor Declaration neither states legal conclusions nor lacks factual support; and (3) the declarations contained in the Taylor Declaration fully rebut the Examiner's asserted *prima facie* case of obviousness and place the application in condition of allowance. Therefore, the Applicants respectfully request the reversal of all rejections and allowance of all claims still within the application.

### **(1) The Taylor Declaration is a Valid Evidence in Support of Applicants' Arguments Rebutting the Examiner's Asserted *Prima facie* Case of Obviousness.**

The first issue is whether the Taylor Declaration is valid evidence in support of the Applicants' arguments rebutting the Examiner's asserted *prima facie* case of obviousness. The Applicants assert that the Taylor Declaration is valid evidence in support of Applicant's argument rebutting the Examiner's asserted *prima facie* case of obviousness.

The applicable law is as follows: “A patent may not be obtained . . . if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains.” 35 U.S.C. § 103(a). During patent prosecution, the examiner bears the initial burden of factually supporting any *prima facie* conclusion of obviousness. MPEP § 2142. A patent claim is proved obvious if “some motivation or suggestion to combine the prior art teachings” can be found in the prior art, the nature of the problem, or the knowledge of a person having ordinary skill in the art. *See, e.g., Al-Site Corp. v. VSI Int’l, Inc.*, 174 F. 3d 1308, 1323-1324 (CA Fed. 1999) (test upheld by *KSR Int’l Co. v. Teleflex Inc.*, 550 U.S. 398 (2007)). Thus, an examiner may meet his burden and make an obviousness rejection by clearly articulating a motivation or suggestion to combine prior art teachings. MPEP § 2143. Conversely, an applicant may reply to the rejection by submitting evidence that a person having ordinary skill in the art would have no such motivation or suggestion. Such evidence must be made by way of an oath or declaration. 37 C.F.R. § 1.132. Declarations submitted under 37 C.F.R. § 1.132 must be timely filed to be entered and entitled to consideration. MPEP 716.01(A). Submission is timely if filed after a final rejection, but concurrently with a Request for Continued Examination. *Id.* at (4).

In this case, the Examiner rejected, and continues to reject, the Applicant’s claims as obvious. The basis of these rejections is that “[i]t would have been obvious to one of ordinary skill in the art at the time of [*sic*] the invention was made to modify the method of...” one reference with particular elements of other references. The Applicant appropriately replied<sup>1</sup>, and continues to reply,

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<sup>1</sup> The Taylor Declaration was originally entered into the record along with a Declaration Under 37 C.F.R. § 1.131 of Robert Andrew Byers (“Byers Declaration”). The purpose of the Byers Declaration was to antedate a reference cited by the Examiner (U.S. Patent Appl. Publ. No. 2002/0065736 to Willner et al) in combination with U.S. Patent No.

to this rejection with the Taylor Declaration as evidence that one of ordinary skill in the art would have no such motivation to modify. In addition, the Applicants assert that the Taylor Declaration provides evidence that the applicants identified and solved a problem that had gone unrecognized prior to their invention.

Taylor declares “I am one of at least ordinary skill in the arts of software design and programming, including the design and programming of methods and systems for selling products over computer networks.” *Taylor Declaration at 1, ¶2*. The Examiner has not challenged this declaration. Accordingly, Mr. Taylor must be considered one of ordinary skill in the relevant art.

The Examiner required information concerning the relationship of Kenneth R. Taylor to the inventors and assignee under 37 C.F.R. § 1.105. *Office Action, December 29, 2005, at 10*. The Applicant responded to this Requirement by stating “that Mr. Taylor has no relationship, either personal or professional, with any of the inventors or the assignee.” *Amendment, May 30, 2006, at 16*. The Examiner has also not challenged this statement. Accordingly, the Taylor Declaration must be considered as unbiased testimony.

Finally, the Taylor Declaration was filed after the Examiner’s final rejection of March 31, 2005, but concurrently with a Request for Continued Examination, so it was timely filed. The

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5,970,475 to Barnes. The purpose of the Taylor Declaration was to show that even if Willner were prior art, the claims were nonobvious. The Byers Declaration was deemed effective in antedating the Willner reference, but for its lack of explicit allegation that the acts relied upon to establish the date prior to the reference or activity were carried out in this country or in a NAFTA or WTO member country.

The Applicant understands that it needs only to obtain a new Declaration with this explicit allegation to overcome the Willner reference and continues to assert that the Willner reference is not prior art to the present application. Notwithstanding these assertions, as new rejections use U.S. Patent No. 7,080,070 to Gavarini and U.S. Patent No. 6,343,275 to Wong for the same purpose as the Willner reference, the Applicant has elected to forego the submission of a new Declaration and asks that the Willner reference be treated as prior art solely for purposes of examination.

Examiner has likewise not challenged the timeliness of the submission and, therefore, the Taylor Declaration should be presumed to have been timely filed.

In summary, the Applicant has appropriately used the Taylor Declaration in response to the Examiner's rejections, and the Examiner does not challenge Mr. Taylor as a declarant. Thus, the Taylor Declaration should have been considered by the Examiner as evidence in support of the Applicants' arguments in rebuttal of the Examiner's asserted *prima facie* showing of obviousness.

**(2) The Taylor Declaration Neither States Legal Conclusions Nor Lacks Factual Support.**

The second issue is whether the Taylor Declaration states legal conclusions or lacks factual support. The Applicant submits that it does neither.

The applicable law is as follows: The questions of what a reference teaches; whether there would be motivation to combine references; and whether a reference teaches away from the claimed invention are all questions of fact and not law. *See Winner Int'l Royalty Corp. v. Wang*, 202 F.3d 1340, 53 USPQ 2d 1580 (Fed. Cir. 2000); *McGinley v. Franklin Sports, Inc.*, 262 F. 3d 1339, 60 USPQ 2d 1001 (Fed. Cir. 2001); and *In re Harris*, 409 F. 3d 1339 (Fed. Cir. 2005) *respectively*. Further, opinion testimony is entitled to consideration and weight so long as the opinion is not the ultimate legal conclusion at issue. While an opinion as to a legal conclusion is not entitled to any weight, the underlying basis for the opinion may be persuasive. *In re Chilowsky*, 306 F.2d 908 (CCPA 1962).

The Examiner asserts that the declarations made in the Taylor Declaration are legal conclusions and lack factual support, and thus asserts that it is insufficient to overcome the obviousness rejections. The Examiner points specifically toward paragraphs 5-9 of the Taylor Declaration and has not objected to any other parts of the Taylor Declaration or objected to the

Taylor Declaration on the grounds that it is not fully responsive to the rejections. The Applicants have addressed each of the Examiner's objections to the Taylor Declaration below.

Paragraph 5

The Examiner asserts the following statements from paragraph 5 of the Taylor Declaration are legal conclusions lacking factual support:

"I declare that the Barnes reference does not disclose or suggest a user specific purchase history form comprising all products that were purchased during a specific time period, as claimed in each of the applicants' claims. In particular, I declare that a repeat of an old requisition request, which was asserted by the examiner to read on this limitation, does not provide the buyer with a list of all products purchased during a specified time period, nor does it provide the same advantages as the claimed user specific purchase history form." *Taylor Declaration* ¶5.

These declarations directly address what the cited reference teaches and rebut the Examiner's assertion of what the cited reference teaches. As what a reference teaches is a question of fact and not law, (*Winner Int'l Royalty Corp. v. Wang*, 202 F.3d 1340, 53 USPQ 2d 1580 (Fed. Cir. 2000)), these declarations cannot be legal conclusions, as asserted by the Examiner.

Even if paragraph 5 were found to set forth an opinion that amounts to a legal conclusion, which the Applicants deny, paragraph 5 goes on to clearly provide the factual support for any such opinion by stating:

"This declaration is based upon the fact that each old requisition request would include only those items purchased on that particular requisition request, which would require the buyer to search for and add products that were not included on the old requisition request, and would not allow the buyer to differentiate between similar products when placing their order. Conversely, the user specific purchase history form described and claimed by the applicant includes all products purchased within the time period, which allows the buyer to place an order for any combination of previously ordered products and to easily recognize that similar products have been ordered in the past and to differentiate between the similar products when placing their order." *Taylor Declaration* ¶5.



The Applicant, therefore, asserts that paragraph 5 of the Taylor Declaration does not include legal conclusions, nor does it lack factual support.

#### Paragraph 6

The Examiner asserts that the following statement from paragraph 6 of the Taylor Declaration is a legal conclusion lacking factual support: “I declare that I would not be motivated to modify the Barnes reference to include the user specific purchase history form claimed by the applicant.” *Taylor Declaration* ¶6. This declaration directly addresses the question of whether there is a motivation to modify the Examiner-cited reference to obtain the claimed invention, which is also a question of fact and not of law (*McGinley v. Franklin Sports, Inc.*, 262 F. 3d 1339, 60 USPQ 2d 1001 (Fed. Cir. 2001)). Therefore, the declaration cannot set forth a legal conclusion, as asserted by the Examiner.

Even if paragraph 6 were found to set forth an opinion, which the Applicant denies, the paragraph goes on to clearly provide the factual support for any such opinion by stating:

“This declaration is based partly upon the fact that the system disclosed in the Barnes reference allows a buyer to view only certain portions of the suppliers catalog based upon user settings managed by the by [*sic*] organization. Therefore, because buyers may not order all products previously purchased by the buyer’s organization, there would be no need to modify the Barnes reference to include the user specific purchase history form claimed by the applicant. This declaration is also based upon the fact that the system disclosed in the Barnes reference does not allow users to place orders directly from prior requisitions. *Taylor Declaration* ¶6.

The Applicant, therefore, asserts that paragraph 6 of the Taylor Declaration does not include legal conclusions, nor does it lack factual support.

#### Paragraph 7

The Examiner asserts the following statements from paragraph 7 of the Taylor Declaration are legal conclusions lacking factual support:

“I declare that I would not be motivated to combine the Barnes and Willner references cited by the Examiner to obtain a system including a user specific order entry form where a quantity entry field is the only fields [*sic*] in which entry of data by the user is required to purchase a product. I further declare that such a combination would not result in a method system or computer product that provides the advantages of the applicant’s invention. . . . I declare that each of these ways of placing an order is time consuming and has a significant risk of error.” *Taylor Declaration* ¶7.

Again, the question of whether there would be motivation to combine references is a question of fact and not of law (*McGinley v. Franklin Sports, Inc.*, 262 F. 3d 1339, 60 USPQ 2d 1001 (Fed. Cir. 2001)). Thus, the declaration cannot set forth a legal conclusion as asserted by the Examiner.

Even if paragraph 7 were found to set forth an opinion, which the Applicant denies, the paragraph goes on to clearly provide the factual support for any such opinion by stating:

“These declarations are based upon the fact that Barnes fails to address the principal problem that is solved by the Applicants’ claimed invention; i.e. the risk of error by insertion of incorrect part numbers and pricing on order forms. Barnes allows products to be ordered in two distinct ways; by allowing the user to browse through portions of the suppliers catalog to choose the desired products and add them to a requisition, in a manner similar to [*sic*] they would were they to browse through a catalog, and by allowing the user to effectively repeat transactions that have been previously set-up, as in cases where user generated templates are used or where prior requisitions of particular products are copied. . . . Where a new requisition is made, or a template set up, the user must sort through the entire portions of the supplier’s catalog in order to find the product or products that they need. In cases where similar products are found in the catalog and the user is unsure of which to choose, the user must go back to run reports on previously ordered products, find the correct product, go back to the order form, and enter the correct product in the form. I declare that this problem is not eliminated in cases where templates are used or prior requisitions are repeated, as the user must find the correct prior requisition or template on the system, which can be time consuming and prone to error. Further, the user cannot add products directly to this requisition or template. Instead, the user is forced to create a new requisition or template in order to accomplish this task. I declare that each of these means for ordering products using the Barnes system is time consuming and prone to error. Accordingly, there is nothing in the Barnes disclosure that would suggest that it be modified to include the user specific purchase history form claimed by the applicants.” *Taylor Declaration* ¶7.

The Applicant, therefore, asserts that paragraph 7 of the Taylor Declaration does not include legal conclusions, nor does it lack factual support.

#### Paragraph 8

The Examiner asserts the following statement from paragraph 8 of the Taylor Declaration is a legal conclusion lacking factual support: “I declare that the Willner reference teaches away from the use of the claimed user specific order entry form . . . .” *Taylor Declaration* ¶8. The question of whether a reference teaches away from the claimed invention is also a question of fact and not law (*In re Harris*, 409 F. 3d 1339 (Fed. Cir. 2005)). Thus, this declaration cannot set forth a legal conclusion, as asserted by the Examiner.

Even if this statement were found to set forth an opinion amounting to a legal conclusion, which the Applicant denies, the paragraph goes on to clearly provide the factual support for any such opinion by stating:

...[B]ecause it discloses a purchasing system for internal use by a buyer organization in order to simply [*sic*] the internal requisition process and not a system for use by a buyer and seller. The Willner reference requires the user to select products from a database of vendor catalogs managed by the buyer’s organization and does not provide any means for the user to view prior purchases. *Taylor Declaration* ¶8.

The Applicant, therefore, asserts that this statement of the Taylor Declaration does not include a legal conclusion, nor does it lack factual support.

The Examiner also asserts the following statement from paragraph 8 of the Taylor Declaration is a legal conclusion lacking factual support: “I declare that, were such a feature included or suggested, that there would be no need for the “compatibility check” performed by the Willner system.” *Taylor Declaration* ¶8. The Applicants do not deny that this statement is an opinion. Whether features of an electronic procurement system are necessary, however, is not a matter of law.

Accordingly, the Applicants assert that this statement cannot set forth a legal conclusion, as asserted by the Examiner.

Even if this statement of opinion was found to amount to a legal conclusion, which the Applicant denies, the facts stated in the rest of paragraph 8 (quoted above) provide the factual support for any such opinion. The Applicant, therefore, asserts that this statement of the Taylor Declaration does not include a legal conclusion, nor does it lack factual support.

#### Paragraph 9

The Applicants admit that the final sentence of paragraph 9 of the Taylor Declaration makes the legal conclusion that the claims are not obvious. This is the only place in the Taylor Declaration where this occurs. However, the remainder of paragraph 9 sets forth Mr. Taylor's opinion with regard to the previously unrecognized problem solved by the invention, stating:

"I declare that a method for receiving an order, a computer program product, and a system that include the claimed user specific purchase history form in which a quantity entry field is the only field in which a user is required to enter data provides distinct advantages over current systems and, consequently, it is my belief that the applicants have identified and solved a problem that has heretofore gone unrecognized. It is likewise my belief that such a system would be in widespread use by this time if the problem solved thereby were recognized." *Taylor Declaration* ¶9.

These opinions support the position that there was an unrecognized need prior to the development of the claimed invention and that the applicants' recognition of this need is part of the applicants' invention. It is noted that recognition of a need does not render obvious the achievement that meets that need. *See Cardiac Pacemakers, Inc. v. St. Jude Medical, Inc.* 381 F.3d 1371 (Fed. Cir. 2004).

In summary, other than the last sentence of paragraph 9, the Taylor Declaration neither states legal conclusions nor lacks factual support. As there are no further objections to the Taylor

Declaration, it should have been given due consideration to overcome the Examiner's asserted *prima facie* case for obviousness.

**The Taylor Declaration's Statements Overcome the Examiner's Asserted *Prima facie* Case of Obviousness and Place the Application in Condition of Allowance.**

The final issue is whether the evidence provided by the Taylor Declaration in support of the Applicants' arguments are sufficient to overcome the Examiner's asserted *prima facie* case of obviousness and place the application in condition of allowance. The Applicant submits that it does.

The Examiner makes several arguments as to why the current invention is obvious. All of these arguments rely on U.S. Patent No. 5,970,475 to Barnes as the principal reference. The present invention claims, *inter alia*, a user specific purchase history form, which will display to the user all purchases made by the user during a specified time period. The Examiner states that Barnes discloses this limitation and asserts that making a purchase and using a repeat from an old requisition request, which is used as a purchase order, and can be edited, including product quantities reads on this limitation. The applicants and Mr. Taylor both disagreed.

The Applicants have argued that Paragraph 5 of the Taylor Declaration directly addresses what the Barnes reference teaches and directly contradicts the Examiner's assertion of what Barnes teaches. In particular, the Taylor Declaration states

"I declare that the Barnes reference does not disclose or suggest a user specific purchase history form comprising all products that were purchased during a specific time period, as claimed in each of the applicants' claims. In particular, I declare that a repeat of an old requisition request, which was asserted by the examiner to read on this limitation, does not provide the buyer with a list of all products purchased during a specified time period, nor does it provide the same advantages as the claimed user specific purchase history form. " *Taylor Declaration* ¶5.

As explained above, the statement in paragraph 5 of the Taylor Declaration is not unsupported opinion or legal conclusion, but is a statement of fact. Further, the remainder of paragraph 5 of the Taylor Declaration provides additional support for his factual declaration. The Examiner has not presented any evidence to rebut paragraph 5 of the Taylor Declaration and has erroneously dismissed this paragraph as legal conclusion. Accordingly, the Applicant therefore asserts that the unrebutted factual evidence set forth in paragraph 5 of the Taylor Declaration is sufficient to show that the Barnes reference does not teach the claimed limitation relied upon by the Examiner in each of her rejections.

The Examiner bases several of her arguments on combining the teaching of Barnes with teachings in other patents, namely Willner and Gavarini. Even if the Barnes reference did teach the claimed limitation relied upon by the Examiner, which the Applicant denies, the applicants have asserted that there would be no motivation to combine the Barnes reference with the other cited references as suggested by the Examiner. The declarations in paragraphs 6-8 of the Taylor Declaration directly address the question of whether there is a motivation to modify Barnes, or combine it with the Willner reference, to obtain the claimed invention.

The Applicant's note that the Taylor Declaration was made prior to the rejection based upon the Gavarini or Wong references. However, the Applicants have asserted that neither the Gavarini reference, the Wong reference, nor any of the other references cited by the Examiner, discloses or suggests a user specific purchase history form comprising all products that were purchased during a specified time period, or provides any suggestion to modify the Barnes reference to include such a feature. Further, the portions of paragraph 6 of the Taylor Declaration relating to Barnes, and of

paragraph 7 relating to the combination of Barnes with Willner, are also applicable to Gavarini and Wong. In particular, paragraph 6 of the Taylor Declaration states:

I would not be motivated to modify the Barnes reference to include the user specific purchase history form claimed by the applicant. This declaration is based partly upon the fact that the system disclosed in the Barnes reference allows a buyer to view only certain portions of the suppliers catalog based upon user settings managed by the by organization. Therefore, because buyers may not order all products previously purchased by the buyer's organization, there would be no need to modify the Barnes reference to include the user specific purchase history form claimed by the applicant. This declaration is also based upon the fact that the system disclosed in the Barnes reference does not allow users to place orders directly from prior requisitions. *Taylor Declaration* ¶7

This paragraph is clearly applicable to the combination of Barnes with any reference and, accordingly, is equally applicable to the combination of Barnes with Gavarini and/or Wong as it is with regard to the combination of Barnes and Willner.

In addition to paragraph 6, paragraph 7 of the Taylor Declaration supports the lack of suggestion to combine. The relevant portion of this paragraph states:

Barnes fails to address the principal problem that is solved by the Applicants' claimed invention; i.e. the risk of error by insertion of incorrect part numbers and pricing on order forms. Barnes allows products to be ordered in two distinct ways; by allowing the user to browse through portions of the suppliers catalog to choose the desired products and add them to a requisition, in a manner similar to [sic] they would were they to browse through a catalog, and by allowing the user to effectively repeat transactions that have been previously set-up, as in cases where user generated templates are used or where prior requisitions of particular products are copied. I declare that each of these ways of placing an order is time consuming and has a significant risk of error. Where a new requisition is made, or a template set up, the user must sort through the entire portions of the supplier's catalog in order to find the product or products that they need. In cases where similar products are found in the catalog and the user is unsure of which to choose, the user must go back to run reports on previously ordered products, find the correct product, go back to the order form, and enter the correct product in the form. I declare that this problem is not eliminated in cases where templates are used or prior requisitions are repeated, as the user must find the correct prior requisition or template on the system, which can be time consuming and prone to error. Further, the user cannot add products directly to this requisition or template. Instead, the user is forced to create a new requisition or

template in order to accomplish this task. I declare that each of these means for ordering products using the Barnes system is time consuming and prone to error. Accordingly, there is nothing in the Barnes disclosure that would suggest that it be modified to include the user specific purchase history form claimed by the applicants.

*Taylor Declaration* ¶7.

The Applicant asserts that these paragraph present sufficient facts to show that there would be no motivation to modify Barnes, or combine it with other references, to obtain the claimed invention, as asserted by the Examiner in her rejection.

In addition to the lack of suggestion, the Applicants assert that paragraph 7 of the Taylor Declaration presents sufficient facts to show that such a combination of Barnes and Willner would not have a reasonable expectation of success.

Finally, paragraph 8 presents sufficient facts to show that the Willner reference teaches away from its combination with Barnes and, accordingly, presents facts that are sufficient to overcome the rejection based upon Willner.

Because the Applicants assert that the Taylor Declaration directly rebuts the Examiner's alleged *prima facie* case of obviousness, the Applicants have not addressed the objective factors of nonobviousness. However, the Applicants likewise assert that paragraph 9 of the Taylor Declaration provides sufficient facts to support Mr. Taylor's opinions regarding the objective factors of nonobviousness and that these facts are sufficient to overcome the rejections.

In conclusion, the Applicants assert that none of the references cited by the Examiner discloses or suggests a user specific purchase history form comprising all products that were purchased during a specified time period, that there is no suggestion or motivation, either in the references themselves or in the knowledge of those of ordinary skill in the relevant art, to modify the Barnes reference to include such a feature, and that such a combination would be unlikely to be



successful. Accordingly, the Applicants assert that each of the pending claims is patentable and respectfully request that the Board reverse of all rejections and allow all pending claims.

## **viii. CLAIMS APPENDIX**

Claim 1: A method for selling products over an electronic network, wherein said steps of said method are performed by a seller computer that electronically communicates with a buyer computer via the electronic network, said method comprising the steps of:

identifying a user;

transmitting a user specific order entry form to the buyer computer, said order entry form comprising at least one user specific product, a user specific price for said at least one product, and a quantity entry field, wherein said user specific order entry form comprises a user specific purchase history form comprising all products that were purchased during a specified time period, and wherein said quantity entry field is the only field on said user specific order entry form in which entry of data by said user is required to purchase said at least one product;

receiving a quantity of at least one product entered into said quantity entry field by said user and sent from the buyer computer;

transmitting a shopping cart to the buyer computer, said shopping cart comprising each of said at least one product selected by the user; and

receiving an instruction from said user to process an order from the buyer computer.

Claim 2: The method as claimed in claim 1 wherein said step of transmitting a user specific order entry form comprises transmitting a user specific order entry form that further comprises an internal part number associated with at least one previously ordered product.

Claim 3 (Cancelled)

Claim 4 (Cancelled)

Claim 5: The method as claimed in claim 1 wherein said step of transmitting a user

specific order entry form comprises transmitting a user specific order entry form that further comprises at least one previously quoted product.

Claim 6 (Cancelled)

Claim 7 (Cancelled)

Claim 8: The method as claimed in claim 1 wherein said purchase history form further comprises a total of said at least one previously ordered product that was purchased during said specified time period.

Claim 9: The method as claimed in claim 1 wherein said step of transmitting a user specific order entry form comprises transmitting a user specific order entry form that further comprises an icon having a link to a product information order entry form, and wherein said method further comprises the steps of receiving a signal via said network that said link has been chosen and transmitting said product information order entry form to said buyer computer via said network.

Claim 10 (Cancelled)

Claim 11 (Cancelled)

Claim 12 (Cancelled)

Claim 13 (Cancelled)

Claim 14 (Cancelled)

Claim 15: A computer program product for selling products over an electronic network, said computer program product comprising:

means for identifying a user;

means for transmitting a user specific order entry form, said order entry form comprising

at least one user specific product, a user specific price for said at least one product, and a quantity entry field;

wherein said user specific order entry form comprises a user specific purchase history form, wherein said at least one user specific product comprises all products that were purchased during a specified time period, and wherein said quantity entry field is the only field on said user specific purchase history form in which entry of data by said user is required to purchase said at least one product;

means for receiving a quantity of at least one product entered into said quantity entry field by said user;

means for transmitting a shopping cart comprising each of said at least one product selected by the user; and

means for receiving an instruction from said user to process an order.

Claim 16: The computer program product as claimed in claim 15 wherein said means for transmitting a user specific order entry form comprises a means for transmitting a user specific order entry form that further comprises an internal part number associated with at least one previously ordered product.

Claim 17 (Cancelled)

Claim 18: The computer program product as claimed in claim 15 wherein said means for transmitting a user specific order entry form comprises means for transmitting a user specific order entry form that further comprises a new product entry field.

Claim 19: The computer program product as claimed in claim 15 wherein said means for transmitting a user specific order entry form comprises a means for transmitting a user specific order entry form that further comprises at least one previously quoted product.

Claim 20 (Cancelled)

Claim 21: The computer program product as claimed in claim 15 further comprising:  
means for displaying a date range form comprising at least one date entry field; and  
means for receiving a date entered into said date entry field by said user;  
wherein said means for transmitting a user specific order entry form comprises means for transmitting a user specific purchase history form comprising at least one previously ordered product that was purchased during a time period based upon said date.

Claim 22: The computer program product as claimed in claim 21 wherein said user specific purchase history form further comprises a total of said at least one previously ordered product that was purchased during said specified time period.

Claim 23: The computer program product as claimed in claim 15 wherein said means for transmitting a user specific order entry form comprises a means for transmitting a user specific order entry form that further comprises an icon having a link to a product information form, and wherein said computer program product further comprises a means for receiving a signal that said link has been chosen and a means for transmitting said product information form to said user.

Claim 24: The computer program product as claimed in claim 15 wherein said means for transmitting a user specific order entry form comprises an icon having a link to a peer review form, and wherein said computer program product further comprises a means for receiving a

signal that said link has been chosen and a means for transmitting said peer review form to said user.

Claim 25: The computer program product as claimed in claim 15 wherein said means for transmitting a user specific order entry form further comprises an icon having a link to a product protocol form, and wherein said computer program product further comprises a means for receiving a signal that said link has been chosen and a means for transmitting said product protocol form to said user.

Claim 26: The computer program product as claimed in claim 15 wherein said means for transmitting a user specific order entry form comprises a means for transmitting a user specific order entry form that further comprises a sort field, and wherein said computer program product further comprises a means for receiving a sort criterion entered into said sort field, a means for sorting said at least one user specific product, and said user specific price for said at least one product, into a desired order based upon said sort criterion, and a means for displaying a resulting list of said at least one user specific product said user specific price for said at least one product in said desired order.

Claim 27: The computer program product as claimed in claim 15 further comprising a means for transmitting a payment option form and a means for receiving an instruction from said user to utilize a specified payment option.

Claim 28: The computer program product as claimed in claim 15 further comprising a means for transmitting a facility option form and a means for receiving an instruction from said user to utilize a specified facility option.

Claim 29: A system for selling products over an electronic network, said system

comprising:

a computer comprising a processor, a memory, and a connection to said electronic network; and

a computer program product stored in said memory and executable by said processor of said computer, said computer program product comprising:

means for identifying a user;

means for transmitting a user specific order entry form, said order entry form comprising at least one user specific product, a user specific price for said at least one product, and a quantity entry field;

wherein said user specific order entry form comprises a user specific purchase history form, wherein said at least one user specific product comprises all products that were purchased during a specified time period, and wherein said quantity entry field is the only field on said user specific purchase history form in which entry of data by said user is required to purchase said at least one product;

means for receiving a quantity of at least one product entered into said quantity entry field by said user;

means for transmitting a shopping cart comprising each of said at least one product selected by the user; and

means for receiving an instruction from said user to process an order.

Claim 30: The system as claimed in claim 29 wherein said means for transmitting a user specific order entry form comprises a means for transmitting a user specific order entry form that further comprises an internal part number associated with at least one previously ordered product.

Claim 31 (Cancelled)

Claim 32: The system as claimed in claim 29 wherein said means for transmitting a user specific order entry form comprises means for transmitting a user specific order entry form that further comprises a new product entry field.

Claim 33: The system as claimed in claim 29 wherein said means for transmitting a user specific order entry form comprises a means for transmitting a user specific order entry form further comprising at least one previously quoted product.

Claim 34 (Cancelled)

Claim 35: The system as claimed in claim 29 further comprising:

means for displaying a date range form comprising at least one date entry field; and

means for receiving a date entered into said date entry field by said user;

wherein said means for transmitting a user specific order entry form comprises means for transmitting a user specific purchase history form that comprises at least one previously ordered product that was purchased during a time period based upon said date.

Claim 36: The system as claimed in claim 35 wherein said purchase history form further comprises a total of said at least one previously ordered product that was purchased during said specified time period.

Claim 37: The system as claimed in claim 29 wherein said means for transmitting a user specific order entry form comprises a means for transmitting a user specific order entry form that further comprises an icon having a link to a product information form, and wherein said computer program product further comprises a means for receiving a signal that said link has been chosen and a means for transmitting said product information form to said user.



Claim 38: The system as claimed in claim 29 wherein said means for transmitting a user specific order entry form comprises an icon having a link to a peer review form, and wherein said computer program product further comprises a means for receiving a signal that said link has been chosen and a means for transmitting said peer review form to said user.

Claim 39: The system as claimed in claim 29 wherein said means for transmitting a user specific order entry form further comprises an icon having a link to a product protocol form, and wherein said computer program product further comprises a means for receiving a signal that said link has been chosen and a means for transmitting said product protocol form to said user.

Claim 40: The system as claimed in claim 29 wherein said means for transmitting a user specific order entry form comprises a means for transmitting a user specific order entry form that further comprises a sort field, and wherein said computer program product further comprises a means for receiving a sort criterion entered into said sort field, a means for sorting said at least one user specific product, and said user specific price for said at least one product, into a desired order based upon said sort criterion, and a means for displaying a resulting list of said at least one user specific product said user specific price for said at least one product in said desired order.

Claim 41: The system as claimed in claim 29 further comprising a means for transmitting a payment option form and a means for receiving an instruction from said user to utilize a specified payment option.

Claim 42: The system as claimed in claim 29 further comprising a means for transmitting a facility option form and a means for receiving an instruction from said user to utilize a specified facility option.

## **ix. EVIDENCE APPENDIX**

The following pages contain copies of two Declarations submitted under 37 C.F.R. §§ 1.131 and 1.132 respectively.

The first Declaration, under 1.131, is of Robert Andrew Byers, Jr., submitted as evidence to antedate a reference provided by the Examiner. The Applicants submitted this Declaration with their October 8, 2005 Amendment. The Examiner first responded to the Declaration in her December 29, 2005 Response to the Applicant's October 8, 2005 Amendment.

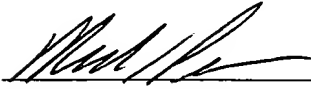
The second Declaration, under 1.132, is of Kenneth R. Taylor, submitted as evidence to overcome obviousness rejections. The Applicants submitted this Declaration with their October 8, 2005 Amendment. The Examiner first responded to the Declaration in her December 29, 2005, Response to the Applicant's October 8, 2005 Amendment.

**x. RELATED PROCEEDINGS APPENDIX**

With respect to decisions of other appeals or interferences that will directly affect, or be directly affected by, or have a bearing on the Board's decision in this appeal, there are no such decisions.

Respectfully submitted,

June 19, 2009  
Date

  
\_\_\_\_\_  
Michael J. Persson  
Attorney for Applicant  
Registration No. 41,248  
Lawson & Persson, P.C.  
P.O. Box 712  
Laconia, NH 03247  
Phone: 603-528-0023  
Fax: 603-528-3332  
Email: [mike@laconialaw.com](mailto:mike@laconialaw.com)



COPY

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop RCE: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on September 30, 2005.

Date 9/30/05

By [Signature]

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of	)	
	)	
Byers, Robert Andrew, Jr., et al.	)	
	)	Art Unit: 3627
Serial No. 09 / 892,800	)	Examiner: Thein, Maria Teresa T.
	)	
Filed: June 27, 2001	)	
	)	
For: USER-SPECIFIC METHOD OF	)	
SELLING PRODUCTS, COMPUTER	)	
PROGRAM PRODUCT, AND SYSTEM	)	
FOR PERFORMING THE SAME	)	

**DECLARATION UNDER 37 CFR§1.132 OF KENNETH R. TAYLOR**

Mail Stop RCE  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

1. My name is Kenneth R. Taylor of New Hampton, New Hampshire. I declare that I am the owner of Advanced Systems and Software Technologies, L.L.C., and that the attached personal data sheet is an accurate reflection of my credentials.
2. I declare that I am one of at least ordinary skill in the arts of software design and programming, including the design and programming of methods and systems for selling products over computer networks.
3. I declare that I have read the above referenced patent application, including the claims as currently amended, the Official Actions dated October 6, 2004 and March 31, 2005, the

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applicants' amendment dated January 6, 2005, and the Barnes and Willner references cited by the Examiner.

4. I declare that the subject matter of claims 1,2,5,8 and 9 was described in such a way as to enable me, or others of ordinary skill in the relevant arts, to make and use the invention as claimed therein. In particular, each of these claims, as amended, claims "a method for receiving an order over an electronic network, wherein said steps of said method are performed by a seller computer that electronically communicates with a buyer computer via the electronic network". Further, the steps recited in each claim indicate that it is not the buyer, and only the buyer, who performs all of the steps without seller interaction, as asserted by the examiner. Rather, the method set forth in claim 1 recites the steps that are performed by the seller computer, which is programmed to automatically interact with the buyer based upon electronic communications received from the buyer. I declare that the interaction with the seller computer, such as processing and transmitting the order information to the seller so that the order is delivered or shipped to the buyer, is not critical or essential to the practice of the receiving an order over an electronic network. I further declare that, based upon my review of the original claims and specification, that the description of the original patent application clearly allows persons of ordinary skill in the art to recognize that inventors invented what is claimed in claim 1, as amended.
5. I declare that the Barnes reference does not disclose or suggest a user specific purchase history form comprising all products that were purchased during a specified time period, as claimed in each of the applicants' claims. In particular, I declare that a repeat of an old requisition request, which was asserted by the examiner to read on this limitation, does not provide the buyer with a list of all products purchased during a specified time period, nor does it provide the same advantages as the claimed user specific purchase history form. This declaration is based upon the fact that each old requisition request would include only those items purchased on that particular requisition request, which would require the buyer to search for and add products that were not included on the old requisition request, and would not allow the buyer to differentiate between similar products when placing their order. Conversely, the user specific purchase history form described and claimed by the applicant includes all products purchased within the time period, which allows the

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buyer to place an order for any combination of previously ordered products and to easily recognize that similar products have been ordered in the past and to differentiate between the similar products when placing their order.

6. I declare that I would not be motivated to modify the Barnes reference to include the user specific purchase history form claimed by the applicant. This declaration is based partly upon the fact that the system disclosed in the Barnes reference allows a buyer to view only certain portions of the suppliers catalog based upon user settings managed by the by organization. Therefore, because buyers may not order all products previously purchased by the buyer's organization, there would be no need to modify the Barnes reference to include the user specific purchase history form claimed by the applicant. This declaration is also based upon the fact that the system disclosed in the Barnes reference does not allow users to place orders directly from prior requisitions.
7. I declare that I would not be motivated to combine the Barnes and Willner references cited by the Examiner to obtain a system including a user specific order entry form where a quantity entry field is the only fields in which entry of data by the user is required to purchase a product. I further declare that such a combination would not result in a method system or computer product that provides the advantages of the applicant's invention. These declarations are based upon the fact that Barnes fails to address the principal problem that is solved by the Applicants' claimed invention; i.e. the risk of error by insertion of incorrect part numbers and pricing on order forms. Barnes allows products to be ordered in two distinct ways; by allowing the user to browse through portions of the suppliers catalog to choose the desired products and add them to a requisition, in a manner similar to they would were they to browse through a catalog, and by allowing the user to effectively repeat transactions that have been previously set-up, as in cases where user generated templates are used or where prior requisitions of particular products are copied. I declare that each of these ways of placing an order is time consuming and has a significant risk of error. Where a new requisition is made, or a template set up, the user must sort though entire portions of the supplier's catalog in order to find the product or products that they need. In cases where similar products are found in the catalog and the user is unsure of which to choose, the user must go back to run reports on previously

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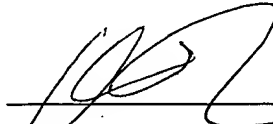
ordered products, find the correct product, go back to the order form, and enter the correct product in the form. I declare that this problem is not eliminated in cases where templates are used or prior requisitions are repeated, as the user must find the correct prior requisition or template on the system, which can be time consuming and prone to error. Further, the user cannot add products directly to this requisition or template. Instead, the user is forced to create a new requisition or template in order to accomplish this task. I declare that each of these means for ordering products using the Barnes system is time consuming and prone to error. Accordingly, there is nothing in the Barnes disclosure that would suggest that it be modified to include the user specific purchase history form claimed by the applicants.

8. I declare that the Willner reference teaches away from the use of the claimed user specific order entry form because it discloses a purchasing system for internal use by a buyer organization in order to simplify the internal requisition process and not a system for use by a buyer and a seller. The Willner reference requires the user to select products from a database of vendor catalogs managed by the buyer's organization and does not provide any means for the user to view prior purchases. I declare that, were such a feature included or suggested, that there would be no need for the "compatibility check" performed by the Willner system.
9. I declare that a method for receiving an order, a computer program product, and a system that include the claimed user specific purchase history form in which a quantity entry field is the only field in which a user is required to enter data provides distinct advantages over current systems and, consequently, it is my belief that the applicants have identified and solved a problem that has heretofore gone unrecognized. It is likewise my belief that such a system would be in widespread use by this time if the problem solved thereby were recognized. Accordingly, I further declare that a method for receiving an order, a computer program product, and a system that include the claimed user specific purchase history form, are not obvious, either in light of the Barnes and Willner references cited by the Examiner for based upon the knowledge of those of at least ordinary skill in the art.
10. I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these



statements were made with knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of any application or patent issuing thereon.

8/19/05  
Date

  
Kenneth R. Taylor

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# Ken Taylor

41 Ridge Rd., New Hampton, NH 03256

voice (603) 744-5160; fax (603) 744-5167      krtaylor@as-st.com

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**PROFESSIONAL**    President / Founder, Advanced Systems and Software Technologies LLC, June 1999—present. <http://www.as-st.com> Organized and managed international consortium of IT development experts to provide Website design and web-activated products. Coded and implemented Websites, including HTML, JavaScript, Perl, Java, JDBC, servlets (CGI), JSP, and frames. Coordinated and managed efforts of geographically diverse workers with projects and client relations. Conducted certification seminars for university professors covering Java, JDBC, SQL, Applets, AWT, and Java applications.

## PROJECT EXPERIENCE

National Employee Training – <http://www.nationalemployeetraining.com>

- Online training and tracking system
- Large database and authentication to securely track training records

ACUINT – <http://www.acuint.net>

- Ethernet-based facility access control system
- Integration of Web-based software, security hardware, standard Ethernet equipment, and interface drivers into a comprehensive system
- Advanced database records all access activity, alarms, etc.

Scott McGuffin Law – <http://www.mcguffinlaw.com>

- Site oriented toward Elder Care law
- Comprehensive resources and links in the field

Thatsbiz – <http://www.thatsbiz.com>

- Online survey system for restaurant customers
- Reporting system for restaurant managers to view survey results

Sears Labs

- E-commerce ordering system
- Multi-level marketing / affiliate support
- Order fulfillment and accounting system
- Content management system

## SKILLS

**Business:** Project management for strategic and IT projects.

**Government:** Currently hold an interim Top Secret clearance.

**Web**—HTML, JavaScript, e-commerce, site design, websites, databases

**Java**—Applets and applications, JDBC, JSP, AWT, Visual Café

**Server**—SQL, Linux, all Windows, PC maintenance, networking

**Software**—MS Office (all), QuickBooks, IE/Mozilla, Emacs, antivir/firewall

## EDUCATION

Pursuing Master of Science in Information Systems, Strayer Univ. (in hiatus)

Bachelor of Science in Business Management with a minor in Public Speaking, Maranatha College, Watertown, WI. Magna cum laude, Dec. 1996.